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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,432

04/10/2006

James Gleeson

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EXAMINER

ADDISU, SARA

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

08/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,432	Applicant(s) GLEESON ET AL.	
	Examiner SARA ADDISU	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 108-116,137 and 138 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 108-116,137 and 138 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/1/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Applicant is advised that should claim 108 be found allowable, claim 137 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “lathe assembly adapted to move the elongate body longitudinally in relation to the support rollers and the profiling tool” (as claimed in claim 112) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

{Please note: Specification (page 12, lines 27-29) states that “ However, it will be appreciated that in alternative embodiments the lathe steadies 2 and 3 and-profiling assembly 9 may be held stationary and the blank 5 may be moved longitudinally by

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traversing the chucks 4 along the tracks”. This embodiment must be shown since it has been claimed}.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 108-110, 113 and 137, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Fasolak (USP 4,579,025).

Regarding claims 108-110, FASOLAK teaches a lathe assembly for forming an elongate tubular body, said lathe assembly comprising: an elongate base; a pair of chucks (59) located at opposite longitudinal ends of said base, said chucks being configured to engage opposite longitudinal ends of a tubular body (43); two or more lateral supports (36) connected to said base to support the tubular body (17) at two or more support (35, 37) located between its ends as well as spaced circumferentially; a drive means (i.e. drive roll 37) for rotating the body about a longitudinal axis; and a profiling tool (13) connected to the base and engageable to profile an outer circumferential surface of the tubular body (43) ('025, figures 1 and 2 and col. 20-25). FASOLAK also teaches the supports take the form of support rollers engageable with an outer circumferential surface of the body ('025, figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 111, 112, 114-116 and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fasolak (USP 4,579,025).

FASOLAK discloses the claimed invention except for the body being formed of fiber reinforced cement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose any material for the body depending on the application, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design art. FASOLAK also discloses the claimed invention except for body having a wall thickness to outer diameter ratio of less than around 0.050. It would have been an obvious matter of design choice to choose a body of any size, because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Note: regarding claim 115, the recitation "a fiber reinforced cement blank manufactured on a mandrel using a Hatschek process", is a product-by-process claim and is not given any patentable weight. Regarding claim 111, FASOLAK discloses the claimed invention except for the support rollers and the profiling tool being on the same attachment (integral). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make these two pieces integral, because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. REF A discloses the claimed invention except for (?). It would have been obvious to one having ordinary skill in the art at the time the invention was made to (?), since it has been held that a mere

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reversal of essential working parts of a device involves only routine skill in the art.

Regarding claim 112, FASOLAK discloses the claimed invention tool and roll moving relative to each other) except for the roll moving longitudinally instead of the tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the roll longitudinally instead of the cutting tool since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art.

Response to Arguments

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/
Examiner, Art Unit 3724
7/5/09
/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724